

I hereby certify that this instrument is a true and correct copy of the original on file in my office.

Attest: Geri M. Smith, Clerk
U.S. District Court
Northern District of Ohio
By: /s/Jennifer Smolinski
Deputy Clerk



UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Oct 08, 2009

**FILED
CLERK'S OFFICE**

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: GADOLINIUM CONTRAST DYES PRODUCTS
LIABILITY LITIGATION**

MDL No. 1909

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-40)

On February 27, 2008, the Panel transferred 20 civil actions to the United States District Court for the Northern District of Ohio for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 536 F.Supp.2d 1380 (J.P.M.L. 2008). Since that time, 193 additional actions have been transferred to the Northern District of Ohio. With the consent of that court, all such actions have been assigned to the Honorable Dan A. Polster.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Northern District of Ohio and assigned to Judge Polster.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Northern District of Ohio for the reasons stated in the order of February 27, 2008, and, with the consent of that court, assigned to the Honorable Dan A. Polster.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of Ohio. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

Oct 26, 2009

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Jeffery N. Lüthi
Clerk of the Panel

**IN RE: GADOLINIUM CONTRAST DYES PRODUCTS
LIABILITY LITIGATION**

MDL No. 1909

SCHEDULE CTO-40 - TAG-ALONG ACTIONS

| <u>DIST. DIV. C.A. #</u> | <u>CASE CAPTION</u> |
|---------------------------------|--|
| CALIFORNIA NORTHERN | |
| CAN 3 09-4236 | Karen Castagna, et al. v. Bayer Healthcare Pharmaceuticals, Inc., et al. |
| CAN 3 09-4237 | Robert Saxon, et al. v. Bayer Healthcare Pharmaceuticals, Inc., et al. |
| CAN 3 09-4238 | Theresa Evans v. Bayer Healthcare Pharmaceuticals, Inc., et al. |
| MINNESOTA | |
| MN 0 09-2634 | Charles Preston v. General Electric Co., et al. |
| PENNSYLVANIA EASTERN | |
| PAE 2 09-4149 | Loretta Gatewood, et al. v. General Electric Co., et al. |
| TEXAS SOUTHERN | |
| TXS 7 09-196 | Sughey Mayorga v. General Electric Co., et al. |